

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

PREFERRED CAROLINAS REALTY, INC.,)	
)	
Plaintiff,)	Civil Action 1:13-cv-00181-TDS-LPA
)	
v.)	
)	
AMERICAN HOME REALTY NETWORK,)	
INC., D/B/A NEIGHBORCITY.COM,)	
)	
)	
Defendant.)	

**PLAINTIFF PREFERRED CAROLINAS REALTY, INC.’S
SECOND MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff Preferred Carolinas Realty, Inc. (“Preferred Carolinas”) hereby moves for partial summary judgment on its copyright infringement claims against Defendant American Home Realty Network, Inc. (“AHRN”). The undisputed evidence establishes that AHRN willfully copied and displayed photographs belonging to Preferred Carolinas without its permission, thereby infringing Preferred Carolinas’ copyrights. As a matter of law, Preferred Carolinas is entitled to summary judgment with respect to AHRN’s liability for willful copyright infringement, and the only issue that should remain for trial is the amount of damages.

Preferred Carolinas hereby incorporates the arguments set forth in the accompanying brief and the evidence cited therein.

Preferred Carolinas respectfully moves the Court (1) to grant summary judgment against AHRN with respect to liability for willful copyright infringement; (2) to enter a permanent injunction requiring that AHRN and its agents, servants, employees, officers, attorneys, successors, licensees, partners, and assigns, and all persons acting in concert or participation with each or any of them or any of their principals, cease directly or indirectly infringing, or causing, enabling, facilitating, encouraging, promoting, and inducing or participating in the infringement

of, any of Preferred Carolinas' copyrights or exclusive rights protected by the Copyright Act, whether now in existence or hereafter created and whether or not such copyrights have been registered; and (3) to grant all other just and proper relief.

Respectfully submitted, this the 31st day of January, 2014.

BARNES & THORNBURG LLP

BY: /s/ Scott E. Murray
Robert D. MacGill (robert.macgill@btlaw.com)
Scott E. Murray (smurray@btlaw.com)
Barnes & Thornburg LLP
11 S. Meridian St.
Indianapolis, IN 46204
Telephone: (317) 236-1313
Facsimile: (317) 231-7433

/s/ Bryan T. Simpson
Bryan T. Simpson (bsimpson@tcdg.com)
NC Bar No. 20136
Teague, Campbell, Dennis & Gorham, LLP
Post Office Box 19207
Raleigh, NC 27619-9207
Telephone: (919) 873-0166
Facsimile: (919) 873-1814

Attorneys for Preferred Carolinas Realty, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was electronically filed this 31st day of January, 2014. Notice of this filing will be sent to all parties listed below by operation of the Court's electronic filing system, which the parties may access through the Court's system.

CHRISTOPHER R. MILLER c.miller@neighborcity.com

DAVID MATTHEW WILKERSON dwilkerson@vwlawfirm.com

LARRY STEPHEN MCDEVITT lmcdevitt@vwlawfirm.com, dwilkerson@vwlawfirm.com,
hgoldstein@vwlawfirm.com, lpf@farkastoikka.com, sgarrett@vwlawfirm.com

RICHARD S. TOIKKA rst@farkastoikka.com

RUSSELL O. PAIGE rop@farkastoikka.com

s/Scott E. Murray _____